

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

| | | |
|--|---|---|
| Applicant's or agent's file reference 06-2017WO | FOR FURTHER ACTION | See item 4 below |
| International application No. PCT/US2007/079827 | International filing date (<i>day/month/year</i>) 28 September 2007 (28.09.2007) | Priority date (<i>day/month/year</i>) 28 September 2006 (28.09.2006) |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | |
| Applicant LUTNICK, Howard, W. | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--|---|-----------|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| 1. | This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a). | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | This REPORT consists of a total of 4 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead. | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | <p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | |
| 4. | The International Bureau will communicate this report to designated Offices in accordance with Rules 44 <i>bis</i> .3(c) and 93 <i>bis</i> .1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44 <i>bis</i> .2). | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | |
|---|---|---|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Date of issuance of this report 31 March 2009 (31.03.2009)</td> </tr> <tr> <td style="padding: 5px;"> Authorized officer <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Beate Giffo-Schmitt</div> </td> </tr> </table> e-mail: pt03.pct@wipo.int | Date of issuance of this report 31 March 2009 (31.03.2009) | Authorized officer <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Beate Giffo-Schmitt</div> |
| Date of issuance of this report 31 March 2009 (31.03.2009) | | | |
| Authorized officer <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Beate Giffo-Schmitt</div> | | | |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: Antonio Papageorgiou
Cantor Fitzgerald, L.P.
Innovation Division
110 East 59th Street, 6th Floor
New York, NY 10022

Date of mailing
(day/month/year)

17 APR 2008

Applicant's or agent's file reference

06-2017WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US07/79827

International filing date (day/month/year)

28 September 2007

Priority date (day/month/year)

28 September 2006

International Patent Classification (IPC) or both national classification and IPC

IPC(8) - A63F 13/00 (2008.01)

USPC - 273/138.1

Applicant

LUTNICK, Howard W.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-3201

Date of completion of this opinion

18 March 2008

Authorized officer:

Blaine Copenheaver

PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US07/79827

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ on paper
- ☐ in electronic form
- c. time of filing/furnishing
- ☐ contained in the international application as filed
- ☐ filed together with the international application in electronic form
- ☐ furnished subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US07/79827

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|---------|-----|
| Novelty (N) | Claims | 2-5 | YES |
| | Claims | 1, 6, 7 | NO |
| Inventive step (IS) | Claims | None | YES |
| | Claims | 1-7 | NO |
| Industrial applicability (IA) | Claims | 1-7 | YES |
| | Claims | None | NO |

2. Citations and explanations:

Claims 1, 6 and 7 lack novelty under PCT Article 33(2) as being anticipated by Aquilino et al. Aquilino et al. discloses [Cl. 1] a method comprising receiving a plurality of bets, in which each bet defines a respective amount wagered, a respective area, and a respective weather-related event (paras. 0013 and 0078-0096); displaying data that represents the plurality of bets (BETTRANS; paras. 0090 and 0096); determining an outcome of a weather-related event (para. 0097); and determine at least one winner based on the bets and the outcome (para. 0097); [Cl. 6] an apparatus programmed to perform the method of claim 1 (para. 0116); and [Cl. 7] a computer readable medium that includes a program operable to direct a computer to perform the method of claim 1 (para. 0116).

Claim 2 lacks an inventive step under PCT Article 33(3) as being obvious over Aquilino et al. in view of Rowe et al. Aquilino et al. disclose the method of claim 1 which display data that represents the plurality of bets, but lacks the teaching of displaying the data in a graphical display representing a map.

Rowe et al., however, teaches a method of wagering (co. 10, lines 49) and teach of displaying data in a graphical display representing a map (col. 20, lines 16-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to display the plurality of bets of Aquilino et al. in a graphical display representing a map as taught by Rowe et al. in order to increase visual interest in the game.

Claim 3 lacks an inventive step under PCT Article 33(3) as being obvious over Aquilino et al. in view of Paravia et al.

Aquilino et al. disclose the method of claim 1 comprising receiving data indicating a bet of the plurality of bets, but lacks the teaching of receiving data indicating a residence.

Paravia et al., however, teaches a method of wagering (abstract) comprising receiving data indicating a bet of the plurality of bets (abstract); receiving data indicating a residence (col. 8, lines 9-13); and verifying that a residence corresponds to the area defined by the indicated bet (col. 8, lines 13-15) and further teach that the residence data is used to ensure that the player is not violating any laws or regulations.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Aquilino et al. the step of receiving data indicating a residence as taught by Paravia et al. in order to ensure that the player is not violating any laws or regulations.

Claims 4 and 5 lack an inventive step under PCT Article 33(3) as being obvious over Aquilino et al. in view of Ginsberg et al.

Aquilino et al. disclose the method of claim 1, but lacks the teaching of generating an offer to purchase an additional bet.

Ginsberg et al., however, teaches a method comprising receiving a plurality of bets, in which each bet defines a respective amount wagered and a respective weather-related event (abstract) [Cl. 4] further comprising generating an offer to purchase an additional bet (updated displayed list of events; para. 0034); and further [Cl. 5] in which generating an offer to purchase a bet comprises generating the offer based on a bet of the received plurality of bets (the system updates the client's credit in response to the wagers placed and updates the displayed list of events based on the updated credit; para. 0034).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Aquilino et al. the steps of generating an offer to purchase a bet as taught by Ginsberg et al. since this would encourage the client to bet more.

Claims 1-7 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.